

Message Text

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ACTION ARA-10

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC IMMEDIATE 827

UNCLAS SAN JOSE 2968

USDEL 008

E.O. 11652: N/A

TAGS: OCON, OAS

SUBJECT: SAN JOSE CONFERENCE DISCUSSION OF ARTICLES 2 AND 3
OF THE RIO TREATY

REF: SAN JOSE 2944 (USDEL 006)

1. SUMMARY. AFTER CONSIDERABLE SPEECHIFYING, THE CONFERENCE SET UP A WORKING GROUP TO WORK ON THE QUESTIONS OF WHETHER THE RIO TREATY SHOULD CONTINUE TO STATE SPECIFICALLY THAT DISPUTES SHOULD GO FIRST TO INTER-AMERICAN MECHANISMS BEFORE ANY REFERRAL TO THE UN. THE CONFERENCE ALSO BEGAN DISCUSSION OF ART. 3-- AND SPECIFICALLY WHETHER THERE SHOULD BE A DISTINCTION BETWEEN TREATMENT OF ATTACK FROM WITHIN THE FROM OUTSIDE THE HEMISPHERE. END SUMMARY.

2. IN THE MORNING SESSION, A NUMBER OF DELEGATIONS SPOKE ON BOTH SIDES OF THE QUESTION OF PRIORITY OF INTER-AMERICAN INSTRUMENTS IN SETTLEMENT OF DISPUTES. THE MATTER WAS FINALLY TURNED OVER TO A WORKING GROUP, OF WHICH THE U.S. IS A MEMBER.

3. MOST OF THE AFTERNOON SESSION WAS TAKEN UP WITH
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DISCUSSION OF WHETHER TO MAKE A DISTINCTION BETWEEN

EXTRACONTINENTAL AND INTRACONTINENTAL ATTACK IN THE APPLICATION OF ARTICLE 3. PERU (MARCHAND) STATED THAT THERE SHOULD BE NO AUTOMATICITY IN THE APPLICATION OF THE "ATTACK AGAINST ONE IS AN ATTACK AGAINST ALL" PRINCIPLE IN CASES OF ATTACK FROM OUTSIDE THE HEMISPHERE, THOUGH THE PRINCIPLE OF SOLIDARITY SHOULD APPLY AND THE ORGAN OF CONSULTATION SHOULD MEET TO AGREE ON WHAT COLLECTIVE MEASURES SHOULD APPLY. MARCHAND ALSO STATED THAT PERU COULD NOT ACCEPT ELIMINATION OF THE DRAFT ARTICLE ON COLLECTIVE ECONOMIC SECURITY. THEREBY REFUSING THE U.S. PROPOSAL, MADE PRIVATELY, TO DEAL WITH THIS MATTER IN THE PREAMBLE.

4. PANAMA (PITTY) SUPPORTED PERU ON THESE POINTS -- IN FACT WENT BEYOND PERU IN QUESTIONING THE TREATY'S VALUE TO THE HEMISPHERE.

5. AMB. MAILLIARD REITERATED THE U.S. POSITION. HE SAID WE PREFER TO MAKE NO DISTINCTION BETWEEN ATTACK, NO MATTER WHERE IT ORIGINATES. HE ALSO SAID THAT COLLECTIVE ECONOMIC SECURITY IS NOT GERMANE TO A DEFENSE TREATY AND SHOULD NOT APPEAR IN IT. HE ADDED, HOWEVER, THAT WE HAVE ALREADY BEGUN WORK WITH OTHER OAS MEMBERS TO SEEK TO WORK OUT HEMISPHERIC ARRANGEMENTS TO PROMOTE COLLECTIVE ECONOMIC SECURITY AND WE COULD PERHAPS REFLECT THOSE EFFORTS IN A PREAMBULAR PARAGRAPH.

6. NICARAGUA SUPPORTED THE U.S. POSITION. DISCUSSION WILL CONTINUE JULY 18.

DEPARTMENT PASS ALL OAS CAPITALS.
TODMAN

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